

MINUTES
Crested Butte Town Council
Regular Council Meeting
April 2, 2012
Council Chambers, Crested Butte Town Hall

Mayor Aaron Huckstep called the meeting to order at 7:02 p.m. Councilmembers present: Glenn Michel, Roland Mason, David Owen, Jim Schmidt, John Wirsing and Shaun Matusiewicz. Staff Present: Town Manager Susan Parker, Town Clerk Eileen Hughes, Substitute Town Attorney Norman Wright, Building and Zoning Director Bob Gillie (for part of the meeting), Finance Director Lois Rozman (for part of the meeting) and Town Planner John Hess (for part of the meeting).

APPROVAL OF AGENDA

Mayor Huckstep requested that a Proclamation honoring Knox Frank be added to the agenda.

Matusiewicz moved and Owen seconded to approve the agenda as amended. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

PROCLAMATIONS

A) A Proclamation of the Town of Crested Butte, Colorado, Proclaiming Earth Day Weekend as "No Impact Weekend."

Brooke Harless and members of the Crested Butte Youth Council presented background information on how the idea of a "No Impact" proclamation was conceived. Mayor Huckstep read the proclamation.

Schmidt moved and Wirsing seconded to approve a proclamation proclaiming Earth Day Weekend as "No Impact Weekend." A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) 2012 Arbor Day Proclamation.

Mayor Huckstep read the title of the proclamation.

Mason moved and Owen seconded to approve the "2012 Arbor Day Proclamation." A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) A Proclamation Of The Town Of Crested Butte, Colorado, Proclaiming Saturday, January 26, 2013 "John Knox McEwen Frank Day."

Mayor Huckstep explained that Frank was recently killed in an avalanche near Ophir, Colorado and had many friends in Crested Butte. Huckstep read the proclamation.

Matusiewicz moved and Wirsing seconded to approve a proclamation proclaiming Saturday, January 26, 2013, "John Knox McEwen Frank Day." A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

CONSENT AGENDA

A) Approval of Minutes of March 19, 2012 Council Meeting.

Schmidt moved and Matusiewicz seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

PUBLIC COMMENTS

Lobar restaurant owner Kyleena Graceffa asked Council to schedule an agenda item to consider a revocable license for outdoor seating for her restaurant. Council directed staff to schedule the matter on the April 16, 2012 agenda.

Mike Jachowski, owner of the Sea Level Spa on Elk Avenue, said he would like to place a projecting sign above the doorway of his new business, but the sign was denied by the Board of Zoning and Architectural Review (BOZAR). Jachowski said although the building where his businesses is located has three distinct addresses and three architecturally distinct facades it is considered one building and per the Town Code only one projecting sign can be installed on a building. Jachowski also pointed out that the previous business occupying his location had a projecting sign only six months ago. Jachowski asked Council to consider three suggestions he outlined in his memo: grant a waiver to allow his sign, recognize architecturally distinct facades as separate buildings for purposes of signage or amend the Town Code.

Council agreed to take Jachowski's request under advisement and asked staff to provide follow-up information.

STAFF UPDATES

Bob Gillie:

- Plans to bring an ordinance before Council regarding modular homes.
- Staff submitted a grant to the State Historic Fund for phase 2 of The Depot renovation project.

Jake Jones:

- Spring is earlier this year, but he is asking the public to be patient about the installation of summer amenities because it could still snow. Benches and bike racks are not the top priority. The first priority is getting the parks ready for play. The Tennis nets are up.

Lois Rozman:

- February sales tax reports were placed on the Council table prior to the meeting. Asked Council how they would like to receive reports in the future. Council said staff should e-mail the reports in PDF format the day of the Council meeting.

Eileen Hughes:

- Staff administratively approved the following special events: Flauschink Parade, Museum Kickball Tournament, AWEfests and the Crested Butte Farmers Market.
- Another Wi-Fi router has been installed in Town Hall specifically to improve service to the Council room. It's a secure site.

Susan Parker:

- Will attend the governor's economic "Bottom Up" meeting in Montrose on Wednesday.
- Noted that she emailed Council project reports from department heads.
- There were internet issues at Town hall on Saturday and several emails she sent out bounced back.
- Town Clean-Up will be held sometime in May. Usually it's the Saturday prior to Memorial Day weekend.

- She is leaving on vacation on Friday. Also several department heads are taking vacations in April.

NEW BUSINESS

A) Tourism Association Quarterly Report

Tourism Association (TA) representative Jane Cheney noted several TA reports included in the Council packets and asked Council if it had any questions. A councilmember noted that TA website visits have increased, but he said it does not appear that tourism is up and asked if the website hits are up because more people are using the internet. Cheney noted that tourism was up in Crested Butte in 2011 and staff agreed that tourism increased as reflected in increased sales tax revenue. Council noted that an increase in website visitor hits certainly does not always translate across the board to an increase in tourism percentage wise.

Cheney showed the Council several recent advertising mock ups for the wedding market, hunting market, western heritage, etc. Cheney said she will be meeting with the local organizing committees for the USA Pro-Challenge cycling event and that \$70,000 has been earmarked for marketing the Pro-Challenge.

B) Crested Butte Arts Festival Request for Funding From the Venture Fund for Arts Fair Expansion.

Councilmember Roland Mason recused himself from the discussion and left the Council chambers. Mason said he has a conflict of interest because his wife is presenting the funding request.

Town Manager Susan Parker reported that there is \$3,000 left in the Council's Venture Fund and there is a balance of \$ 9,015 in Service Grant Fund, which is earmarked only for non-profits. Parker reminded Council that there are several funding items Council still needs to address including the Pro-Challenge event.

Arts Festival representative, Diane Markowitz, said the funding request is under the auspices of the Arts Festival, which is a 501 3c non-profit organization.

Melissa Mason briefly discussed the Arts Festival's plans to expand the event with the installation of temporary site specific visual art work, as outlined in information included in the Council packet. Mason said the art work will be on display for four days. Parker noted that Town staff has informed event organizers that the artwork will have to comply with public health and safety standards. Council asked what percentage of the overall budget for the site specific art work project is being requested. Mason replied they are requesting ¼ of the cost.

Several council members said they supported the full funding request of \$3,000 and a few council members expressed reservations about granting the full request for the short period of time that the site specific art will be displayed. Council also noted that additional funding requests will come up before the end of the year. Council expressed support for funding ranging from \$2,000-\$3,000.

Schmidt moved and Wirsing seconded to allocate \$2,000 from the Council's Venture Fund to the Crested Butte Arts Festival Expansion. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Councilmember Roland Mason returned to the Council Chambers.

Mayor Huckstep declared a conflict of interest on the next agenda item because Crested Butte Publishing and Creative is one of his clients. Huckstep left the Council Chambers and Mayor Pro-tem Jim Schmidt took over as Chair of the meeting.

C) Consideration of Request from Crested Butte Publishing and Creative for \$3,000 From the Council Venture Fund and A \$3,000 Service Grant for Support for the Mobile Guide to Crested Butte.

Steve Mabry, of Crested Butte Creative and Publishing, said his company's mobile app "Explore CB" is a great tool for visitors in Crested Butte or those planning to visit. Mabry said his company's original intent was to partner with the Chamber of Commerce and he projected that \$12,000 from the Chamber would reduce the entry level payment for businesses to \$35 a month and \$55 for enhanced membership, rather than a typical monthly fee of \$75. Mabry said the Chamber did not have the money to fund the request. Mabry pointed out that Mt. Crested Butte agreed to fund \$5,600 and he hoped the Town of Crested Butte would match this amount.

Mabry said his application markets the community and said all the other ski resort communities have mobile applications. Mabry noted that Crested Butte Mountain Resort is on their app, as well as the Crested Butte Music Festival and the Arts Festival. Mabry said they would also like to promote Town amenities on the app such as parks and public restrooms.

Councilmembers expressed a number of concerns about the funding request. Council said the venture is much different than projects the Town has funded in the past because it would benefit a specific business. Also, a council member said it appears that Crested Butte Publishing is asking the Town to guarantee a specific profit model. Council also noted that the Town does not directly spend money on marketing and the Chamber of Commerce and the TA are the marketing entities for the Town.

On the other hand, a councilmember noted that the Town funded the Downtown Lodging Association's website and he doesn't see much difference to this request. Crested Butte business owner Peter Maxwell said maybe its time to look at a for-profit business to market the town and the mobile application is a business that will develop more business.

Council asked Mabry how far he pursed funding from the TA. Mabry said he discussed it with the TA and was told that visitors to the area did not use mobile apps. Council suggested that Mabry go back to the TA and one Council member suggested the Council send a letter to the TA that it supports new technology marketing. Council continued to discuss possibly funding part of the requested amount.

Owen moved and Mason seconded to approve funding of \$1,500 from the Council Venture Fund for support of the Mobile Guide to Crested Butte. A roll call vote was taken with Mason and Owen voting "Yes" and Schmidt, Michel, Wirsing and Matusiewicz voting "No." **Motion fails 4-2.**

Council took a five minute break.

Mayor Huckstep returned to the Council Chambers and resumed chairing the meeting.

D) Crested Butte/Mt. Crested Butte Chamber of Commerce Service Agreement.

Council brought up concerns that businesses that pay the Business Occupation Licensing Tax (BOLT), but are not Chamber members, are not being treated fairly at the Chamber Visitor Center because favoritism is given to Chamber members. Chamber Board member Andrea Green said the Chamber can

do a better job of showcasing everyone who has paid into the BOLT, but still provide more for those that pay for membership than non-members. Council discussed ways that BOLT payers who are not Chamber members can benefit from the Visitor Center such as being allowed to display business cards or brochures and that when visitors ask for business recommendations that all businesses are equally promoted not just Chamber members. A few councilmembers said they do not have a problem if the Visitor Center allows more for Chamber members and noted that businesses that pay the BOLT have the option of joining the Chamber. Town Manager Susan Parker noted there are many out of town businesses that pay the BOLT.

A council member said he wants the Town's representative on the Chamber of Commerce Board to be a voting member. Green said she would check into the Chamber Bylaws to see if a change in the Bylaws is required to allow this.

Mayor Huckstep pointed out that several councilmembers want the proposed Service Agreement to include language that there is fair and equal access to the Visitor Center by all businesses that pay the BOLT. Huckstep also noted a few minor revisions to the Agreement such as changing language from "Fat Tire Bike Week" to "Crested Butte Bike Week" to reflect the name change of the event last year.

Green acknowledged that the agreement needs more work, but said the Chamber needs a commitment from the Council that it will move forward with the contract.

Council took a straw poll in support of committing to a Service Agreement with the Chamber and agreed that more work is needed on the details of the contract. Council also agreed to place the Service Agreement on the April 16, 2012 agenda.

E) Discussion of Elk Avenue Streetscape and Sidewalk Seating.

Building and Zoning Director Bob Gillie explained that the fees for sidewalk seating were \$3.00 a square foot last year and Council had discussed possibly raising the fee and allocating some of these funds for parking and tap fees. Gillie noted that fees for use of public property vary in many communities. Gillie suggested that the allowable sidewalk seating footprint should not encroach more than 7 feet onto the sidewalk.

Crested Butte resident David Leinsdorf asked why the Town has to constantly revisit issues like this because the sidewalk seating program seems like it is working. Leinsdorf said the program created more activity downtown.

One council member said it makes sense to limit the sidewalk encroachment to 7 feet and to raise the fee by \$2.00 a square foot with \$1.00 going to parking and \$1.00 for affordable housing.

Peter Maxwell, owner of Maxwell's Steakhouse, said he is not happy that staff asked him to retract his sidewalk seating footprint by a foot last year and does not think staff should have the authority to ask him to retract his space without some discussion by the Town Council. Gillie explained that Maxwell's was asked to reduce the size of its seating because there was too much obstruction of the sidewalk and congestion in the area. Council noted that the program was set up last year as a pilot program. Maxwell said he is now fine with restricting the allowable area to 7 feet, but does not support any further reduction.

Council indicated support for retaining the fee at \$3.00 per square foot.

Schmidt moved and Michel seconded to direct staff to make changes to the revocable license for restaurant/bar seating to limit the encroachment onto the sidewalk to a maximum of 7 feet as long as there is ADA access available outside of the sidewalk seating footprint. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

F) Staff Report Big Mine Arena Financial Reconciliation.

Mayor Huckstep noted the extensive report in the Council packet submitted by Parks and Recreation Director Jake Jones regarding the Big Mine Arena project and financial reconciliation.

Council asked Jones if there were plans to paint a mural on the retaining wall on the south side of the arena and if there were plans to enclose more of the rink to prevent snow from blowing in. Jones said he is aware of the points noted and they are on the radar screen. Parker pointed out that the items can be discussed during budget time.

Council asked what the next phase is for the Big Mine Park area. Jones said there are four phases identified in the Parks and Recreation Master Plan: the first two phases, the parking lot and rink enclosure, have been completed. The third phase, he said, is expansion of the warming house and refrigeration ice, and the last phase is tying in all of the Big Mine Park with landscaping, etc.

Council expressed some concern about the condition of the skate park and Parker noted that the park has passed safety inspections.

G) Discussion and Possible Direction To Staff Regarding the Gunnison County Housing Authority.

Mayor Huckstep noted that the Town currently funds the Gunnison County Housing Authority (GCHA) at \$27,000 a year. Parker noted there is a balance of approximately \$70,000-80,000 in the Affordable Housing Fund.

Town Planner John Hess explained that the GCHA works with individual municipalities to get projects the municipalities want. One council member said he is very supportive of funding the GCHA, especially with a change in management.

GCHA employee Susan Eschew said the GCHA provides a service, noting that money is made available for energy saving programs and workforce housing, as well as rental assistance. She said perhaps not everyone has to own a home. Eschew added that she supports the proposed change in governance that will give municipal representatives on the governing board a vote.

Matusewicz moved and Owen seconded to direct staff to enter into discussions with Gunnison County and other interested entities in developing an intergovernmental agreement to create an autonomous regional housing authority with all participating local governments for a three year term with the contingency that the Town's representative will get a vote on the governing board. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

LEGAL MATTERS None

COUNCIL REPORTS AND COMMITTEE UPDATES

Roland Mason:

- The Mt. Express audit is completed and they got a good report.
- The Rural Transportation Authority (RTA) will meet on April 6, 2012.

David Owen:

- He has been meeting with John Hess, Sean Matuszewicz and Cindy Lang about an incubator economic development program.

Jim Schmidt:

- The Kochevar trails group will meet at 9 a.m. on April 4, 2012.

Aaron Huckstep:

- Received a letter from the Colorado Mountain Club about off road vehicles. He will refer to staff.
- Noted a Thank You card to the Council from Rocky Mountain Biological Lab (RMBL) for the Council's support of their grant request.
- Met with medalists and USA Pro-Challenge event representatives.

Sean Matuszewicz:

- Asked if sidewalk seating revenue can be earmarked for the affordable housing fund. Parker responded that the question will need legal review.

John Wirsing:

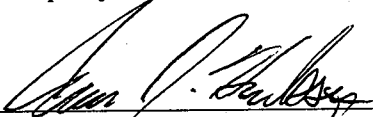
- Attended a Chamber of Commerce meeting for executive director candidates.
- He will be out of town for work, but is always available by phone and plans to attend the May 7, 2012 Council meeting.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Matuszewicz said he wants to direct staff to research if sidewalk seating fees can be dedicated to affordable housing. Owen agreed. Two council members indicated they were not supportive of the directive and Matuszewicz withdrew his request.

Matuszewicz and Wirsing said they will not attend the April 9, 2012 Council work session.

Mayor Huckstep adjourned the meeting at: 10:33 p.m.


Aaron J. Huckstep, Mayor


Eileen Hughes, Town Clerk

(SEAL)

